

85<sup>th</sup> Legislative Session – 2010

Committee: Senate Taxation

Wednesday, February 10, 2010

P - Present  
E - Excused  
A - Absent

Roll Call

P Adelstein  
P Howie  
P Jerstad  
P Maher  
P Merchant  
P Nelson  
P Peterson  
P Fryslie, Vice-Chair  
P Hansen (Tom), Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by chair, Tom Hansen.

MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 3, 2010

Moved by: Jerstad  
Second by: Adelstein  
Action: Prevailed by voice vote.

SB 171: create an additional classification of real property and provide for its assessment and to revise certain provisions concerning the taxation of such property.

Presented by: Senator Jim Peterson  
Proponents: Michael Kenyon, Department of Revenue and Regulation  
Opponents: Dean Krogman, SD Association of Realtors

MOTION: DEFER SB 171 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Howie

Second by: Adelstein  
Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Adelstein, Howie, Jerstad, Maher, Merchant, Nelson, Peterson, Fryslie, Hansen (Tom)

SB 172: provide for the assessment of certain agricultural land as noncropland.

Presented by: Senator Jim Peterson (Handout: 1)  
Proponents: Kevin Kouba, Otter Tail Power Company  
Pamela Bonrud, Northwestern Energy

MOTION: AMEND SB 172

172fa

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. That § 10-35-1.7 be amended to read as follows:

10-35-1.7. Terms as used in §§ 10-35-1.7 to 10-35-1.10, inclusive, mean:

- (1) "Coal-fired power plant," any person, corporation, limited liability company, association, company, partnership, political subdivision, municipality, rural electric cooperative, consumers power district, or any group or combination acting as a unit, owning or holding under lease, or otherwise, real property used, or intended for use, for the conversion of coal into electric power;
- (2) "Environmental upgrade," an investment in an existing coal-fired power plant of more than ten million dollars in real or personal property that is designed to ~~reduce the plant's emission of an air pollutant to the level imposed as an emission standard at a comparable coal-fired power plant permitted under best available control technology requirements within five years preceding the application for exemption~~ facilitate environmental improvements, including any requirements under the Clean Air Act, the Clean Water Act, or any other federal law or rule, or any state law or rule implementing a federal law or rule, or any voluntary environmental measures designed to protect the environment."

Moved by: Jerstad  
Second by: Merchant  
Action: Prevailed by voice vote.

MOTION: DEFER SB 172 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Adelstein  
Second by: Howie  
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DO PASS SB 172 AS AMENDED

Moved by: Maher  
Second by: Merchant  
Action: Prevailed by roll call vote. (7-2-0-0)

Voting Yes: Jerstad, Maher, Merchant, Nelson, Peterson, Fryslie, Hansen (Tom)

Voting No: Adelstein, Howie

MOTION: AMEND TITLE OF SB 172

172fta

On page 1, line 1, of the printed bill, delete everything after "to" and insert "revise the definition for environmental upgrades used to provide a property tax exemption for coal-fired power plants.".

On page 1, delete line 2.

Moved by: Fryslie  
Second by: Merchant  
Action: Prevailed by voice vote.

HB 1032: revise certain provisions regarding the reporting period for the collection of the use tax.

Presented by: Andrew Fergel, Department of Revenue & Regulation

MOTION: DO PASS HB 1032

Moved by: Jerstad  
Second by: Merchant  
Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Adelstein, Howie, Jerstad, Maher, Merchant, Nelson, Peterson, Fryslie, Hansen

(Tom)

MOTION: PLACE HB 1032 ON CONSENT CALENDAR

Moved by: Jerstad  
Second by: Merchant  
Action: Prevailed by voice vote.

HB 1039: revise certain provisions regarding the use of an exemption certificate for tax purposes.

Presented by: Jan Talley, Department of Revenue and Regulation

MOTION: DO PASS HB 1039

Moved by: Fryslie  
Second by: Merchant  
Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Adelstein, Howie, Jerstad, Maher, Merchant, Nelson, Peterson, Fryslie, Hansen  
(Tom)

MOTION: PLACE HB 1039 ON CONSENT CALENDAR

Moved by: Merchant  
Second by: Jerstad  
Action: Prevailed by voice vote.

MOTION: ADJOURN

Moved by: Jerstad  
Second by: Merchant  
Action: Prevailed by voice vote.

Lois Henry  
Committee Secretary

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Tom Hansen, Chair